



December 10, 2008

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Room TWB-204  
Washington, DC 20554

701 Pennsylvania Ave., NW  
Suite 820  
Washington, DC 20004

[www.embarq.com](http://www.embarq.com)

**EX PARTE NOTICE**

Re: *Petition for Qwest Corporation for Forbearance from Enforcement of the Commission's ARMIS and 492A Reporting Requirements Pursuant to 47 U.S.C. § 160 (c); Petition of the Embarq Local Operating Companies for Forbearance Under 47 U.S.C. § 160 (c) from Enforcement of Certain of ARMIS Reporting Requirements; Petition of Frontier and Citizens ILECs for Forbearance Under 47 U.S.C. § 160 (c) from Enforcement of Certain of ARMIS Reporting Requirements, WC Docket No. 07-204.*

*Petitions of AT&T Inc. for Forbearance Under 47 U.S.C. § 160 (c) from Enforcement of Certain of ARMIS Reporting Requirements, WC Docket No. 07-139.*

*Petition of Verizon for Forbearance Under 47 U.S.C. § 160 (c) from Enforcement of Certain of the Commission's Recordkeeping and Reporting Requirements, WC Docket No. 07-273.*

*Petitions of AT&T Inc. and BellSouth for Forbearance Under 47 U.S.C. § 160 (c) from Enforcement of Certain of the Commission's Cost Assignment Rules, WC Docket Nos. 07-21 and 05-342.*

*Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering, WC Docket No. 08-109.*

Dear Ms. Dortch:

On December 9, Jeb Benedict from Embarq and Jennie Chandra from Windstream met with Scott Bergmann of the Federal Communications Commission to discuss the above captioned matters. Ken Mason from Frontier and Cesar Caballero from Windstream joined by telephone.

On December 10, the same individuals spoke by conference call with Nick Alexander and Greg Orlando of the Commission, also joined by Steve Long from Windstream. Separately, they also spoke with Amy Bender of the Commission.

Embarq, Frontier, and Windstream voiced their support for Qwest's petition for forbearance from ARMIS and 492A reporting requirements applicable to Qwest and other price cap ILECs.<sup>1</sup> They agreed that these requirements, which apply to just one group of competitors, have outlived their original temporary purpose. The transition from rate of return to price regulation has long been completed. As

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<sup>1</sup> *Petition for Qwest Corporation for Forbearance from Enforcement of the Commission's ARMIS and 492A Reporting Requirements Pursuant to 47 U.S.C. § 160 (c), WC Docket No. 07-204 (filed Sept. 13, 2007).*

such, the reports are duplicative and of minimal value. Requests for relief from the ARMIS and 492A reporting requirements readily meet the standards for forbearance.<sup>2</sup>

Embarq, Frontier, and Windstream explained that, as price capped ILECs, they are unquestionably within the same class of carriers as Qwest and, under 47 U.S.C. § 160(a), should receive the same forbearance relief.

In addition, Embarq, Frontier, and Windstream reiterated their call for the Commission to extend cost assignment relief to them, if not all price cap carriers. The three mid-sized carriers noted that on April 24, 2008, the Commission appropriately granted conditional forbearance to AT&T from cost assignment rules.<sup>3</sup> On September 6, 2008, the Commission found that “the reasoning of the *AT&T Cost Assignment Forbearance Order* applies equally to Verizon and Qwest,” and accordingly extended the same conditional relief to those carriers.<sup>4</sup> The order, however, neglected to extend the same relief to other price cap carriers – including Embarq, Frontier, and Windstream, which like Verizon and Qwest had requested the same relief. Embarq, Frontier, and Windstream have submitted a petition for reconsideration asking that the order be modified to extending the same conditional forbearance to all price cap carriers, or at a minimum to Embarq, Frontier, and Windstream.

Embarq, Frontier, and Windstream explained that, having found the standards for forbearance are met for these larger price cap carriers, the Commission has no rational basis for failing to extend the same conditional forbearance to Embarq, Frontier, and Windstream. They noted that there is nothing in the record to suggest that Embarq, Frontier, and Windstream are not similarly situated to the carriers that have been granted cost assignment relief. Forbearance is only more compelling for these smaller, rural price cap carriers. They have no significant facilities-based long distance or wireless affiliates, and the burden of these outdated regulatory requirements weighs only more heavily on them.

Pursuant to Section 1.1206(b) of the Commission’s rules, a copy of this electronic notice is being filed in the above-referenced dockets.

Respectfully submitted,



John E. Benedict

cc: Nick Alexander  
Amy Bender  
Scott Bergmann  
Greg Orlando

**John E. Benedict**  
DIRECTOR  
FEDERAL REGULATORY AFFAIRS

Voice: (202) 393-1516  
Fax: (913) 397-3836

[john.e.benedict@embarq.com](mailto:john.e.benedict@embarq.com)

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<sup>2</sup> 47 U.S.C. § 160.

<sup>3</sup> *Petition of AT&T Inc. For Forbearance Under 47 U.S.C. § 160 From Enforcement of Certain of the Commission’s Cost Assignment Rules; Petition of BellSouth Telecommunications, Inc. For Forbearance Under 47 U.S.C. § 160 From Enforcement of Certain of the Commission’s Cost Assignment Rules*, WC Docket Nos. 07-21, 05-342, Memorandum Opinion and Order, 23 FCC Rcd 7302 (2008), *pet. for recon. pending, pet. for review pending*, *NASUCA v. FCC*, Case No. 08-1226 (D.C. Cir. filed June 23, 2008).

<sup>4</sup> *Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering*, Memorandum Opinion and Order and Notice of Proposed Rulemaking, 23 FCC Rcd 13647 at ¶ 23 (2008), *pet. for recon. pending*.